THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25951 of 2007

DATED:07-12-2007

BETWEEN:

Vanaparthy Venkateswarlu.

..... PETITIONER

AND

The District Collector,
Khammam District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in seeking to deprive the property of the petitioner to the extent of Ac.3.00 in Sy.No.512/1 of Thoggudem village, Pinapaka mandal, Khammam District, as otherwise than in due process of law, as illegal and arbitrary.

3. It is the case of the petitioner that he is in continuous possession and enjoyment of an extent of Ac.3.00 in Sy.No.512/1 of Thoggudem village, Pinapaka mandal, Khammam District over a period of thirty years.

4. Learned Government pleader submits that the said land belongs to the Government and the petitioner is only an encroacher. If the petitioner is in possession and even if he has encroached the land without following due process of law under the provisions of the Land Encroachment Act, petitioner cannot be dispossessed.

5. Accordingly, Writ Petition is disposed of directing the respondents 2 and 3 not to dispossess the petitioner without following due process of law. No order as to costs.

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V.ESWARAIAH,J

07th December, 2007.
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